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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen PALM

Group Art Unit : 2631

Appl. No. : 10/657,271

Examiner : Dung X. Nguyen

Filed : September 9, 2003

Confirmation No. : 1862

For : ACTIVATION OF MULTIPLE XDSL MODEMS WITH IMPLICIT
CHANNEL PROBE

COMPLETION OF RECORD

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Issue Fee
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, Applicant hereby calls to the Examiner's attention the following documents:

A copy of a Canadian Office Action mailed in related Canadian Patent Application No. 2,396,963 on November 23, 2004 is enclosed, in which no new documents were cited.

A copy of a Malaysian Office Action mailed in related Malaysian Patent Application No. PI 9901224 on October 29, 2004 is enclosed, in which a search report published in International Patent Application Publication No. WO 99/50967 was cited. Applicant notes that this document is a patent family member of the present application. Applicant additionally notes that the International Search

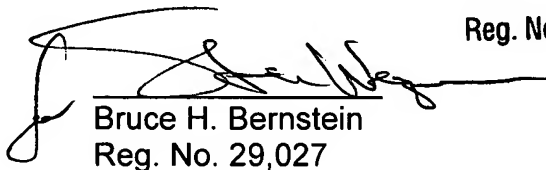
Report referred to in the Malaysian Office Action was previously cited in an Information Disclosure Statement and the specification is substantially the same as that of the present application.

Applicant encloses copies of the Canadian and Malaysian Office Action to complete the record.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Stephen PALM

Steven Wegman
Reg. No. 31,438



Bruce H. Bernstein
Reg. No. 29,027

January 4, 2005
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Office de la propriété
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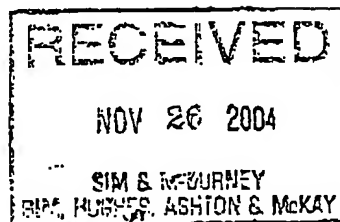
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www.cipo.gc.ca



November 23, 2004

SIM & MCBURNEY
6th Floor
330 University Avenue
TORONTO Ontario
M5G 1R7



Application No. : **2,396,963**
Owner : **MATSUSHITA GRAPHIC COMMUNICATION SYSTEMS, INC.**
Title : **ACTIVATION OF MULTIPLE XDSL MODEMS WITH IMPLICIT CHANNEL PROBE**
Classification : **H04L-12/12**
Your File No. : **9116-124 MIS**
Examiner : **Chapman Wong**

YOU ARE HEREBY NOTIFIED OF :

- **A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES;**
- **A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE PATENT RULES.**

IN ORDER TO AVOID MULTIPLE ABANDONMENTS UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN SIX MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on May 28, 2004 and July 21, 2004.

The number of claims in this application is 76.

A search of the prior art has not been made because the application is not in a form which permits a meaningful assessment of the alleged invention.

The examiner has identified the following defects in the application:

In claims 1 and 21, the characteristic of "selectively connectable" is not supported by the original description.

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In claims 1 and 21, the element of "a communicator" is not supported by the original description. In addition, there is no support for a communicator executing a mode. Similar objection applies to the element of "a controller".

Claims 1, 21 and 39 refer to "a first transmission mode" and "a second transmission mode". However, the original description fails to disclose the aforementioned modes. Similar objection applies to the transmission of a plurality of MS, MR, ACK or NACK signals.

Claims 8 and 28 refer to a "function list" that is not supported by the original description.

Claims 8, 28 and 65 refer to a "third transmission mode" that is not supported by the original description.

Claims 11 and 31 refer to "three CLR signals" and "three CL signals" that are not supported by the original description.

Claims 14, 34, 51 and 70 refer to the characteristic of "being hierarchically stored" that is not supported by the original description.

Claims 25, 42 and 61 refer to "three MS signals" and "three MR signals" that are not supported by the original description.

The aforementioned claims do not comply with section 84 of the *Patent Rules* because the claimed characteristics or elements have no support in the original description.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

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Under subsection 29(1) of the *Patent Rules*, the applicant is requisitioned to provide identification of any additional art cited during the prosecution of the European Patent Office application describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, subsequent to the publication of the European Patent Office application. Similarly, the applicant is requisitioned to provide particulars of conflict, opposition, re-examination or similar proceedings affecting this European Patent Office application. In accordance with subsection 29(3) of the *Patent Rules*, if there are no such proceedings, this must be stated.

Chapman Wong
Patent Examiner
(819) 934-2666
2396963A,cw

APPLICATION NO. : PI 99001224

SUBSTANTIVE / MODIFIED SUBSTANTIVE EXAMINATION :
EXAMINER'S REPORT TO THE REGISTRAR
UNDER SECTION 30(1) / 30(2)

The application fails to comply with the requirements of the Act and Regulations for the following reasons :

1. The search report on your corresponding International application no. PCT/US99/06986 (WO 99/50967) has cited prior art against claims of the same scope as the present claims of your Malaysian application. It therefore appears, prima facie, that these claims are not novel and/or inventive as required by sections 14 and 15 having regard to that prior art.

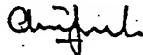
If a patent has now been granted in the United States, the United Kingdom, Australia or the European Patent Office and the present claims are brought into conformity with the granted claims, further examination will be expedited. A copy of such a patent should then be filed at this Office.

2. The request is not accompanied by a statement justifying the applicant's right to apply [Reg. 10(2)].
3. Form 17 (Appointment of Agent) is not filed [Reg. 48(2)].
4. The technical features of the claims are not followed by appropriate reference signs in parentheses [Reg. 13(4)].
5. Each main feature of the abstract is not followed by a reference sign in parentheses [Reg. 16(6)].
6. The examination has been conducted on the application documents as originally filed on 31 March 1999 and including amendments filed up to -.

Amendments to the specification should be effected by filing replacement pages in duplicate.

If the claims are amended, the description and title should if necessary also be amended to be consistent therewith.

Date : 29/10/2004



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Patent Examiner
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03-22746502

PRO 206A

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APPLICATION NO. : PI 99001224

SEARCH REPORT
EXAMINER'S REPORT TO THE REGISTRAR
UNDER REGULATION 27C/27D

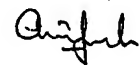
The following documents have been identified as relevant to consideration of novelty and/or inventive step.

DOCUMENT CONSIDERED TO BE RELEVANT WHEN CONSIDERING NEWNESS AND/OR INVENTIVE STEP			
Category	Document details, with indication, where appropriate, of relevant passages	Relevant to Claim(s)	
	As per WO 99/50967 (PCT/US99/06986)		<p>CLASSIFICATION OF THE APPLICATION⁶</p> <p>H04B 1/38</p> <p>CORRESPONDING FOREIGN SEARCH</p> <p>As per WO 99/50967</p> <p>DOCUMENTS SEARCHED</p> <p>US Patents (1969 to date) EP Applications (1978 to date) WO Publications (1978 to date) MY Patents (1988 to date)</p> <p>TECHNICAL FIELDS SEARCHED</p> <p>H04B</p>

CATEGORY OF CITED DOCUMENTS

- X: Relevant if taken alone
Y: Relevant if combined with another cited document
A: Technological background
P: Document published on or after declared priority date but before filing date of the present application
E: Conflict with earlier Malaysian patent/utility innovation

DATE : 29/10/2004


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